



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	Department of Criminal Justice Services
VAC Chapter Number:	6 VAC 20-180 et seq.
Regulation Title:	Crime Prevention Specialists
Action Title:	Crime Prevention Specialists
Date:	12/22/2003

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Effective July 1, 2002 the General Assembly enacted into law (HB 508) amending § [9.1-162](#) Code of Virginia, which spells out eligibility requirements for Crime Prevention Specialists. The intent of amended language is to expand the program to allow the chief executive of any local, state or federal government agency to designate staff, who serves in a law enforcement, crime prevention or criminal justice capacity, to become certified as Crime Prevention Specialists. The current law restricts certification to staff from local and state law enforcement agencies.

Training topics are updated to include current issues such as homeland security, and requirements are expanded to require addressing four topics on the list in the regulation rather than two topics. Training requirements for recertification are expanded from one to two topics on the list noted in the regulation

All non-law enforcement applicants will also be required to obtain permission from the law enforcement agency having jurisdiction where the Crime Prevention Specialist shall serve, and a decertification section has been added in cases of misrepresentation or conviction of a crime.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

§9.1-161 Code of Virginia provides the authority to the Criminal Justice Services Board to adopt and promulgate regulations related to the certification of crime prevention specialists.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The Crime Prevention Specialist program was established in 1994. At that time crime prevention was almost exclusively the responsibility of law enforcement. Since that time, however, there are many non-law enforcement professionals who may be involved in providing crime prevention services that should be provided the opportunity for certification. This includes individuals involved in school security, public housing security, crime prevention practitioners at Virginia's military bases, and state agencies such as the Department of Criminal Justice Services (DCJS), the Attorney General's Office, the Department of Juvenile Justice, the Department of Transportation, the Capitol Police and others. This program expansion is supported and in large part sponsored by Virginia's crime prevention and law enforcement community. The purpose of the changes to this regulation is to now provide the opportunity for certification of non-law enforcement professionals involved in providing crime prevention services.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

Amended language expands the program to allow the chief executive of any local, state or federal government agency to designate staff, who serves in a law enforcement, crime prevention or criminal justice capacity, to become certified as Crime Prevention Specialists.

Training topics are updated to include current issues such as homeland security, and requirements are expanded to require addressing four topics on the list in the regulation rather than two topics.

Training requirements for recertification are expanded from one to two topics on the list noted in the regulation

All non-law enforcement applicants are required to obtain permission from the law enforcement agency having jurisdiction where the Crime Prevention Specialist shall serve.

A decertification section has been added in cases of misrepresentation or conviction of a crime.

Other changes may be deemed necessary based on public comment received during the APA process

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term “issues” means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The Department of Criminal Justice Services recognized that many crime prevention practitioners have reached a new level of professional development. In response to legislation and with assistance from crime prevention practitioners across the state, DCJS created a program to certify specialists in the field of crime prevention. This program is now being expanded to include non-law enforcement professionals who provide crime prevention services.

This regulation outlines the duties of a crime prevention specialist, eligibility for this certification, training requirements for certification and recertification, and identifies circumstances under which a crime prevention specialist may be decertified.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency’s best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

The Crime Prevention Specialist program (CPS) is totally a voluntary program. Although encouraged, no one is required to be a CPS in order to perform crime prevention duties in the Commonwealth. Agency heads can appoint a CPS without having to meet these requirements. It takes an applicant about 6 months to a year to complete the necessary requirements. The program does have a fiscal impact both for the Department of Criminal Justice Services (DCJS) and for localities that sponsor applicants to meet the program certification requirements.

DCJS expenses include costs to administer the program and costs to provide both basic and advanced crime prevention training. Currently, administrative costs include about 10% of a Program Administration Specialist time to process approximately 50 applications per year. This amounts to about \$5,000 per year. We are estimating that this expansion of the program to non-law enforcement professionals will generate approximately 50 additional applications per year requiring another 10% of current staff's time. DCJS believes this additional cost and workload can be absorbed with current staff.

From the beginning of the CPS program, DCJS has taken the position that it will provide the training opportunities necessary to achieve the CPS. This position helps localities that could not otherwise afford to participate in the program. The Crime Prevention Center is mandated in the Virginia Code to provide crime prevention training. This includes both basic and advanced crime prevention training. Training costs include instructors, materials, meeting facilities, audio-visual equipment, and administrative overhead. Experience has shown that for a class of 25-30 participants the average cost per training day is approximately \$1,000. To meet this need DCJS has provided about \$75,000 from Byrne Grant Funds to the Virginia Crime Prevention Association to conduct about 25-30 training courses each year. This includes about 5 basic courses (5 days each) and 20-25 advanced courses (1-4 days each). With this volume and variety of training offerings, we feel there will be sufficient opportunities to meet the needs of the expansion of the program being proposed with these rules.

There are also costs (although minimal) to localities to participate in the program. DCJS covers the costs associated with conducting the training, but localities must cover any travel (lodging, per diem, transportation) costs for participants to attend. Most of the time training courses are offered close enough to home that this is not an issue, but it is a cost that localities must sometimes incur. There is also a CPS requirement to complete an "Instructor Development" course. Again although most localities can obtain this training at no or minimal cost through there a local or regional criminal justice academy, it is a requirement that the locality is responsible for. This will especially be true for non-law enforcement professionals who will now qualify for this program. Since the program is voluntary, however we do not feel this is an undue burden.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

6 VAC 20-180-10 (Definitions)

1. Definition of "Agency Administrator" from chief of police and sheriff to include the head of any local, state or federal agency.
2. Definition of "Employee" clarified to include volunteers and "reserve deputies". Reserve deputies is a term used by Sheriffs' Offices instead of auxiliaries.
3. The term "Local, State, or Federal Government agency" was defined. This expanded the definition of "law enforcement agency" that was in the current regulation and made it consistent with the new law.

6 VAC 20-180-20 (Duties of a CPS)

1. The duties of a crime prevention specialist were updated to include homeland security and the reduction of terrorism.

6 VAC 20-180-30 (Eligibility)

1. Eligibility to become a CPS was expanded from an employee of a local or state law enforcement agency to an employee of a local, state or federal government agency involved in law enforcement, crime prevention or criminal justice. This provision made the regulation consistent with the new law.
2. An Eligibility requirement was added that requires all non-law enforcement applicants to obtain permission from the law enforcement agency having jurisdiction where the Crime Prevention Specialist serves. This assures some consistency at the local level and allows law enforcement to maintain some quality control over the program.

6 VAC 20-180-40 (Certification Requirements)

1. Crime Prevention Through Environmental Design and Security Assessments were added to the topic areas for Basic Crime Prevention and Crime Analysis was deleted.
2. Community-Policing, Homeland Security, White Collar Crime, Identity Theft, Victim Witness Services, and Crime Prevention for Seniors was added to the Advanced Crime Prevention training requirements, and a minimum of four of these topics instead of two is now required.

6 VAC 20-180-50 (Recertification Requirements)

1. Community-Policing, Homeland Security, White Collar Crime, Identity Theft, Victim Witness Services, and Crime Prevention for Seniors was added to the Recertification training requirements, and a minimum of two of these topics instead of one is now required.

6 VAC 20-180-60 (Decertification Requirements)

1. DCJS reserves the right to revoke the certification of any CPS at any time based on misrepresentation of qualifications.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

There is no alternative to the essential purpose of this action since it is required by the Code of Virginia.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

Summary of Comments Received Regarding the NOIRA Announcement for the Rules Relating to Crime Prevention Specialists.

Note: Public comment is in regular type and agency response is in bold type. Suggestion was made suggest that the term “reserve deputies” be added to the definition of employee, as it is a term used by sheriffs’ offices rather than auxiliaries. It should also be revised to include volunteers employed by a local, state or federal government agency to coincide with the proposed changes. **We agreed and incorporated this change into the proposed regulations.**

Suggestion was made to expand the definition of “Agency Administrator” to include all those who are now included such as local, state, or federal government agencies. **We agreed and incorporated this change into the proposed regulations.**

Suggestion was made to update the duties of a crime prevention specialist to include current issues such as homeland security and terrorism prevention. **We agreed and incorporated this change into the proposed regulations.**

It was suggested that crime prevention specialists should be limited to law enforcement personnel only due to the fact that sensitive security information is often provided. It was also suggested that Crime prevention is a mandated directive in the definition of what a law enforcement officer specifically does (§15.2-1704, Code of Virginia). It is a direct extension of community policing and its expertise should be maintained with experienced experts- the law enforcement agencies of the Commonwealth. **We did not concur with this basic premise since the purpose of the new law was to expand the CPS beyond law enforcement. We also felt there was strong support in the C.P community for this change that came out of discussions within the Virginia Crime Prevention Association over a two- year period. We are, however, sensitive to the concerns raised by law enforcement and incorporated language into the proposed rule, which preserves the important role of law enforcement in this program. This was accomplished by requiring all non-law enforcement applicants to obtain a sign off from the law enforcement agency having jurisdiction where the Crime Prevention Specialist serves.**

It was suggested that training topics for both Basic and Advanced crime prevention training be updated to include current issues such as Homeland Security, Crime Prevention Through Environmental Design, Identity Theft, and others. **We agreed and incorporated this change into the proposed regulations.**

It was suggested that a more well rounded crime prevention specialist could be achieved if the CPS was required to address four topics on the list of advanced crime prevention topics in the regulation rather than two topics, and two topics on the recertification list rather than one topic. **We agreed and incorporated this change into the proposed regulations.**

It was suggested that the credibility and integrity of the CPS program could be enhanced if a decertification section was added to deal with cases where an applicant misrepresented information on his application or if they were convicted of a crime. **We agreed and incorporated this change into the proposed regulations.**

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The agency has examined the regulation and relevant public comments. The ability of the public to comment on a point-by-point basis related to the content of the regulation affirms the clarity and comprehensibility of the regulation.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The DCJS Crime Prevention Center conducts periodic surveys of crime prevention specialists for purposes training and program development. The information from surveys will also be used as an opportunity to review these regulations.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact on the family.